

Erwin J. Shustak (CA Bar No. 119152)
 Jonah A. Toleno (CA Bar No. 209600)
 SHUSTAK & PARTNERS, P.C.
 401 West "A" Street, Suite 2330
 San Diego, CA 92101
 Telephone: (619) 696-9500
 Facsimile: (619) 615-5290

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF CALIFORNIA

IMAGENETIX, INC., a Nevada Corporation,) Case No. 08 cv 0814 - JLS- POR
)
 Plaintiff,)
)
 vs.)
)

MONAVIE LLC, a Utah Limited Liability) PLAINTIFF'S NOTICE OF VOLUNTARY
 Company; MONA VIE, INC., a Utah) DISMISSAL OF COMPLAINT WITH
 Corporation; MONARCH HEALTH SCIENCES,) PREJUDICE
 INC., a Utah Corporation; DALLIN LARSEN,)
 HENRY MARSH, RANDY LARSEN, AMY)
 COWLEY, JOHN BRIGHAM HART (a/k/a)
 BRIG HART), LITA HART, STEVEN)
 MERRITT, GINA MERRITT, CORBIN)
 ROUSH, HOLLY ROUSH, CHARLES KALB,)
 DEBORAH KALB, RONALD PRUDHOMME,)
 BRENDA PRUDHOMME, EDWARD)
 ARISTIZABAL, SHELLY ARISTIZABAL,)
 BRIAN CATTANO, JILL CATTANO,)
 MATTHEW CURTIS, KIMBERLY CURTIS,)
 TINA DUPART (a/k/a TINA DAOUST), TODD)
 HARTOG, ANGELIQUE HARTOG, RODNEY)
 HOWARD-BROWNE, ADONICA HOWARD-)
 BROWNE, MICKEY KARSHNER (a/k/a MICK)
 KARSHNER), VICTORIA KARSHNER,)
 JASON LYONS, CARRIE LYONS, ANGEL)
 MATOS, GRAYSON MAULE, KEN PORTER,) Judge: Hon. Janis L. Sammartino
 ROBERT ROBINSON, LINDA ROBINSON,) Date Action Filed: May 5, 2008
 DEVON ROBINSON, TODD SMITH, (a/k/a)
 RICHARD TODD SMITH), STEPHANIE)

(caption continued on next page)

1 SMITH, FRANK SOUCINEK JR., CYNTHIA)
2 SOUCINEK, BRIAN THAYER, JACQUELINE)
3 THAYER, BO VANPELT, CARRIE VANPELT,)
4 as individuals; BLACK DIAMOND)
5 UNIVERSITY, INC., a California Corporation;)
6 DARRELL UTTERBACH, TRACY)
7 UTTERBACH, JOSEPH LICCIARDI,)
8 PATRICE LICCIARDI, ANDRE WALTON,)
9 (a/k/a KENNETH ANDRE WALTON), PENNY)
10 WALTON, JAMES BELLACERA, (a/k/a JIM)
11 BELLACERA), DENISE BELLACERA,)
12 KELLY BANGERT, JILLIAN BANGERT,)
13 ERIC M. GUTMAN, REBEKAH GUTMAN, as)
14 individuals, and DOES 1-10,000, inclusive,)
15 Defendants.)

16
17 NOTICE IS HEREBY GIVEN that, pursuant to Federal Rule of Civil Procedure 41(a)(1),
18 Plaintiff IMAGENETIX, INC., by and through its attorneys, SHUSTAK & PARTNERS, P.C.,
19 voluntarily dismisses its complaint, *with prejudice*, in the above-captioned matter. No answer or
20 motions have been served by any of the Defendants in the above-captioned action
21

22 DATED: May 16, 2008

Submitted by,

SHUSTAK & PARTNERS, P.C.
ERWIN J. SHUSTAK
JONAH A. TOLENO

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/s/ Erwin J. Shustak
ERWIN J. SHUSTAK

401 West "A" Street, Suite 2330
San Diego, CA 92101
Telephone: (619) 696-9500
Facsimile: (619) 615-5290

Attorneys for Plaintiff

DECLARATION OF SERVICE

I, the undersigned, declare:

1. I am over 18 years of age and not a party to this action. My business address is 401 West "A" Street, Suite 2330, San Diego, California 92101 which is located in the county where the service described below took place.

2. On May 16, 2008, I served the following document:

**PLAINTIFF'S NOTICE OF VOLUNTARY DISMISSAL OF COMPLAINT
WITH PREJUDICE**

- (x) BY MAIL. I am familiar with this firm's practice of collection and processing correspondence for mailing with the United States Postal Service, and that the correspondence shall be deposited with the United States Postal Service this same day in the ordinary course of business pursuant to Code of Civil Procedure §1013a.
- () BY PERSONAL SERVICE. I caused to be hand-delivered said document(s) to the addressee pursuant to Code of Civil Procedure §1011.
- () BY OVERNIGHT DELIVERY. I deposited said document(s) in a box or other facility regularly maintained by the express service carrier providing overnight delivery pursuant to Code of Civil Procedure §1013c.
- () BY FACSIMILE. In addition to service by mail as set forth above, a copy of said document(s) were also delivered by facsimile transmission to the addressee pursuant to Code of Civil Procedure §1013e.

addressed to the parties listed on the attached Service List.

I certify and declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on May 16, 2008, at San Diego, California.



JULIANA KONZE

SERVICE LIST

Imagenetix, Inc. v. Monavie, LLC, et al.

USDC, CASD Case No. 08cv0814-JLS-POR

COUNSEL FOR PLAINTIFF

Erwin J. Shustak
Jonah A. Toleno
SHUSTAK & PARTNERS, P.C.
401 West "A" Street, Suite 2330
San Diego, CA 92101
Telephone: (619) 696-9500
Facsimile: (619) 615-5290
Email: eshustak@shufirm.com
jtoleno@shufirm.com

Attorneys for Imagenetix, Inc.

DEFENDANTS

MONAVIE LLC, a Utah Limited Liability Company, 10855 S. River Front Pkwy, Suite 100, South Jordan, UT 84095

MONA VIE, INC., a Utah Corporation, 10855 S. River Front Pwky, Suite 100, South Jordan, UT 84095;

MONARCH HEALTH SCIENCES, INC, a Utah Corporation, 1946 Rigehill Dr., Bountiful, UT 84010;

BLACK DIAMOND UNIVERSITY, INC., a California Corporation, 6521 Ibis Ct., Rocklin, CA 95765;

(Addresses currently unknown as to the following additional named defendants):

DALLIN LARSEN, HENRY MARSH, DELL BROWN, RANDY LARSEN, AMY COWLEY, JOHN BRIGHAM HART (a/k/a BRIG HART), LITA HART, STEVEN MERRITT, GINA MERRITT, CORBIN ROUSH, HOLLY ROUSH, CHARLES KALB, DEBORAH KALB, RONALD PRUDHOMME, BRENDA PRUDHOMME, EDWARD ARISTIZABAL, SHELLY ARISTIZABAL, BRIAN CATTANO, JILL CATTANO, MATTHEW CURTIS, KIMBERLY CURTIS, TINA DUPART (a/k/a TINA DAOUST), TODD HARTOG, ANGELIQUE HARTOG, RODNEY HOWARD-BROWNE, ADONICA HOWARD-BROWNE, MICKEY KARSHNER (a/k/a MICK KARSHNER), VICTORIA KARSHNER, JASON LYONS, CARRIE LYONS, ANGEL MATOS, GRAYSON MAULE, KEN PORTER, ROBERT ROBINSON, LINDA ROBINSON,

DEVON ROBINSON, TODD SMITH, (a/k/a RICHARD TODD SMITH), STEPHANIE SMITH, FRANK SOUCINEK JR., CYNTHIA SOUCINEK, BRIAN THAYER, JACQUELINE THAYER, BO VANPELT, CARRIE VANPELT, as individuals; DARRELL UTTERBACH, TRACY UTTERBACH, JOSEPH LICCIARDI, PATRICE LICCIARDI, ANDRE WALTON, (a/k/a KENNETH ANDRE WALTON), PENNY WALTON, JAMES BELLACERA, (a/k/a JIM BELLACERA), DENISE BELLACERA, KELLY BANGERT, JILLIAN BANGERT, ERIC M. GUTMAN, and REBEKAH GUTMAN, as individuals.